

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

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UNITED STATES OF AMERICA,

CR 17-50036-01

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

TROY FAIRBANKS,

Defendant.

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Defendant states that the following facts are true, and the parties agree that they establish a factual basis for the offenses to which Defendant is pleading guilty pursuant to Fed. R. Crim. P. 11(b)(3):

Between July 17, 2014, and February 11, 2016, in the District of South Dakota and elsewhere, the defendants, Troy Fairbanks ("Fairbanks"), Majestic Fairbanks ("Majestic"), and Troy Young Fairbanks ("Young") knowingly and intentionally conspired and agreed together with each other and with other individuals to commit offenses against the laws of the United States. These defendants conspired with others to knowingly perform acts involving the sale and purchase of wildlife with a market value in excess of \$350. During the dates outlined above, the defendants knowingly imported, exported, transported, purchased, sold, acquired, and received wildlife—bald and golden eagles—knowing said eagles had been taken, possessed, transported, or sold in violation of the Bald and Golden Eagle Protection Act, 16 U.S.C. § 668(a), the Migratory

Bird Treaty Act, 16 U.S.C. §§ 703(a) and 707(b) and the Lacey Act, 16 U.S.C. §§ 3372(a)(1) and 3373(d)(1)(B).

During transactions occurring on or about the dates outlined herein, Troy Fairbanks, without permission or authority to do so, knowingly possessed, sold, transported, bartered, and offered for sale or barter, bald eagles and golden eagles, and parts of those eagles. Specifically, the coconspirators undertook the following actions:

In 2014, a Confidential Informant ("CI") obtained information that Troy Fairbanks was involved in selling eagles and eagle parts. Fairbanks resides in Rapid City, South Dakota. Between July 17, 2014, and October 5, 2015, Fairbanks sold and/or bartered eagle and other protected bird parts to the CI on eight (8) separate occasions. The CI involved in these transactions is not of Native American descent. The relevant transactions are detailed below.

Troy Fairbanks is the owner/operator of a business named Buffalo Dreamers, which performs Native American dance programs at public venues such as the Crazy Horse Monument and Custer State Park. Troy Fairbanks has two adult sons, Troy Young Fairbanks and Majestic Fairbanks, both of whom have some association with the Buffalo Dreamers dance group. The three of them lived together at Fairbanks' home in Rapid City, South Dakota.

On July 17, 2014, Fairbanks and his son, defendant Majestic Fairbanks ("Majestic"), traded twenty-eight (28) eagle feathers to the CI. Fairbanks and Majestic received \$5,415 worth of merchandise such as bear claws, elk teeth,

fur, silver jewelry and other miscellaneous trade goods in exchange for the eagle parts.

On September 18, 2014, Fairbanks sold a Native American "Dog Soldier" bonnet to the CI. Fairbanks received \$1,000 in cash and multiple black bear claws valued at \$500 in exchange for the bonnet.

On December 18, 2014, defendant Fairbanks's son, Troy Young Fairbanks ("Young"), offered for sale a dog soldier hat with over eight hundred turkey feathers, claiming it was the biggest he had ever made.

On May 12-19, 2015, Fairbanks sold raptor feet, an eagle head, eagle wings, and two-hundred twenty-three (223) loose feathers to the CI. The CI paid Fairbanks \$6,021 in cash for the items. In addition to eagle and hawk feathers, these items contained one (1) Andean condor, one (1) Himalayan vulture and one (1) white stork. The Andean condor is a Federally listed endangered species and protected by Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES").

During the May 12 and May 19 meetings, Fairbanks's son, Young, was involved in the transactions. On May 12, Fairbanks directed Young, "Go down stairs and go get those sets of claws, there's three (3) big ones, . . . bring them." Young retrieved the items sold to the CI and was present as the transaction occurred. On May 19, Fairbanks showed the CI an eagle feather bustle that Young had built. [REDACTED]

Between September 25, 2015, and October 5, 2015, Fairbanks sold an eagle feather bustle and two-hundred sixty-two (262) protected bird feathers to the CI. Fairbanks received \$2,100 in cash, plus two (2) fur coats, for the items.

On February 11, 2016, a federal search warrant was served at Fairbanks's residence. A large quantity of eagle parts, consisting of loose feathers, wings, feet, carcasses, and finished/partially finished regalia were seized as evidence.

The USFWS forensic lab reviewed and genetically examined all the eagle parts purchased and/or seized from Fairbanks and his coconspirators during this investigation. The DNA results show that during this two year time frame at least 112 different eagles and/or parts thereof passed through Fairbanks's home. [REDACTED]

[REDACTED]

In addition to the eagles and hawks, at least an additional 15 bird species, including a CITES I protected Andean Condor and a Himalayan Vulture were possessed and trafficked by Fairbanks.

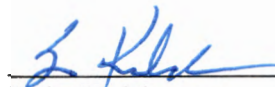
RONALD A. PARSONS, JR.  
United States Attorney

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Date

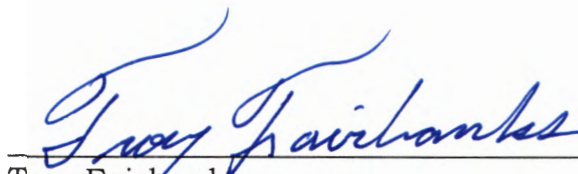
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Troy Fairbanks  
Defendant

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Date

  
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